

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

FILED
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JUN 30 2004 A 11:38

MASSACHUSETTS
DISTRICT OF MASS.

BABSON COLLEGE

Plaintiff

v.

PAUL D. REYNOLDS

Civil Action 04-11336 RCL

Defendant

and

JOHN AND JANE DOE(S)

Reach and Apply
Defendant(s)

MOTION TO REMAND

The plaintiff, Babson College, ("Babson"), pursuant to 28 U.S.C. §1447(c), hereby moves that this action be remanded to Massachusetts Superior Court. As is more particularly set forth in its accompanying Memorandum of Law, this action is not properly removable to this Court because the Complaint sets forth state law claims for breach of contract, breach of

The defendant, Paul D. Reynolds ("Reynolds"), erroneously asserts in his Notice of Removal that this is an action over which this Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338, and § 1391, because it involves copyright and trademark infringement. Reynolds is plainly wrong and he has improperly removed this case without proper justification.

WHEREFORE, the Plaintiff prays that the action be remanded to Suffolk Superior Court, from which it was erroneously removed, and that it be awarded its just costs and actual expenses, including attorneys' fees, incurred as a result of the wrongful removal.

BABSON COLLEGE

By its attorneys,



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Dated: June 30, 2004